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**COUNTY OF MENDOCINO**  
**BOARD OF SUPERVISORS**

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June 7, 2022

Secretary Kimberly D. Bose  
Federal Energy Regulatory Commission  
Office of Energy Projects  
888 First Street, NE, Room 1A  
Washington, DC 20426

Re: COMMENTS by County of Mendocino Board of Supervisors in response to the May 2022 filing by Pacific Gas and Electric Company requesting a Temporary Variance of Flow Requirements for FERC Project No. P-77-311

Dear Secretary Bose,

This letter is in response to the notice the Federal Energy Regulatory Commission (“FERC”) issued on May 20, 2022, requesting comments, motions to intervene, and protests on Pacific Gas and Electric Company’s (“PG&E”) request for temporary variance of flow requirements for the Potter Valley Project No. 77 (the “PVP Project”).

On May 13, 2022, PG&E filed a variance request to FERC that requested a reclassification of the 2021-22 water year type to Dry/Critically Dry which will set East Fork Russian River flows to 5 cubic feet per second (cfs) with no buffer, rather than the 25 cfs target flow presently in place. If approved without modification, water availability in the Russian River will be drastically reduced. This action will result in significant water rights curtailments for downstream diverters and potential negative conditions in the aquatic and riparian environments.

Mendocino County does not believe that PG&E has demonstrated that its proposed drastic curtailment of releases into the East Branch Russian River through the PVP Project is necessary at this time based on water storage and water availability in Lake Pillsbury. We are also concerned that PG&E failed to consult with the Drought Working Group, including our county interests, before filing its variance request and thus excluded any consideration of adverse impacts on mainstem Russian River fisheries and water supply. These are the conditions that FERC has set in the past: “Should PG&E contemplate a request for an additional variance due to ongoing drought conditions, it must make such a request by February 28, 2022, and must provide evidence of consultation with the Drought Working Group. In order to provide Commission staff adequate time to consider the request, we ask that PG&E to provide us with 60 to 90 days’ notice prior to filing the request for a new temporary variance related to the drought.” Clearly this has not occurred.

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We are now in a third year of a drought. Mendocino County is classified by the California State Water Resource Agencies as an “economically disadvantaged community.” Within the Russian River Basin, most of the small towns are classified as “severely economically disadvantaged communities” including 7 Native American Tribal groups. Last year, curtailments have resulted in reduced water supplies for health and human safety, fish and wildlife and agriculture. Our lack of rain and surface water supplies have resulted in loss of income to farmers and ranchers from crop reduction, poor range and pasture conditions and have had negative impacts and economic outcomes for the Russian River Watershed communities and the surrounding environment. Many farmers report crop losses varying from 50 to 100 percent in 2021. PG &E's request for a reduced flow variance is unreasonable especially given that no consultation with our county stakeholders has taken place. We are very concerned about more negative impacts on our communities that are not justified or needed by the proposed flow reductions based on existing adequate water supplies.

PG&E indicates that their proposed flow variance would avoid any impacts to aquatic resources in the Eel River. They fail to address the potential significant adverse impacts on the mainstem Russian River to fisheries and wildlife if minimum flows cannot be maintained. Under the National Environmental Policy Act, FERC is obligated to address the impacts of reducing the minimum instream flow requirement to the East Branch Russian River upstream of Lake Mendocino. The proposed flow of 5 cfs will most certainly reduce the water available in Lake Mendocino for release to meet minimum instream flow requirements in the mainstem Russian River for listed fish species and other beneficial uses.

PG&E proposes to meet twice monthly with the Drought Working Group to discuss water conditions, flow adjustments, and monitoring data, and to adjust the flow upward if possible. However, if the Drought Working Group is unable to come to an agreement on increasing flows, NMFS, CDFW, and RVIT will make a unilateral determination of whether or not to increase flows. We concur with Sonoma Water that a more reasonable approach would be to begin with the Dry year classification flow of 25 cfs and adjust downward if necessary to maintain the cold-water pool in Lake Pillsbury or prevent bank sloughing should conditions require a change in flow adjustment.

In summary, Mendocino County requests that the Commission modify PG&E's variance request plan as follows:

- (1) Maintain an initial target flow of 25 cfs into the East Branch Russian River.
- (2) Provide bi-monthly storage projections and cold-water pool updates to the Drought Working Group, with further reductions to as low as 5 cfs only upon demonstration that such further reductions are necessary to maintain adequate storage for dam safety and to maintain the cold-water pool.
- (3) Provide all members of the Drought Working Group with accurate and timely notice of any changes in operations to allow improved water supply and fisheries protection planning for the Russian River.
- (4) FERC should condition its decision on a commitment from PG&E that in the future it will consult with the full Drought Working Group before proposing a variance that could result in adverse impacts to the Russian River watershed and Mendocino County communities.

Thank you for your consideration.

Respectfully Submitted:



Ted Williams, Chair  
Mendocino County Board of Supervisors